

STAYED,ENE,IFP,USMSV

**U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:17-cv-01612-JAH-RBB**

Reyes v. United States Department of the Interior, Bureau of Indian Affairs et al
Assigned to: Judge John A. Houston
Referred to: Magistrate Judge Ruben B. Brooks
Cause: 05:0552b(g)sa Implement requirements of Govt in Sunshine Act

Date Filed: 08/10/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Emilio Reyes
Plaintiff in Pro Se

represented by **Emilio Reyes**
615 5th Avenue
Chula Vista, CA 91910
619-829-0130
PRO SE

V.

Defendant

United States Department of the Interior, Bureau of Indian Affairs

represented by **U S Attorney CV**
U S Attorneys Office Southern District of California
Civil Division
880 Front Street
Suite 6253
San Diego, CA 92101
(619)557-5662
Fax: (619)557-7122
Email: Efile.dkt.civ@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Katherine L. Parker
Office of the U.S. Attorney
880 Front Street
Room 6293
San Diego, CA 92101-8893
(619) 546-7634
Fax: (619) 546-7751
Email: katherine.parker@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Rebecca Grace Church
United States Attorney's Office
Southern District of California
880 Front Street
Room 6293
San Diego, CA 92101
(619) 546-7721
Email: rebecca.church@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

United States Department of the Interior, Office of the Solicitor

represented by **U S Attorney CV**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Brett Norris
 United States Attorney Office
 880 Front Street
 Room 6293
 San Diego, CA 92101-8807
 (619) 546-7620
 Fax: (619) 546-7751
 Email: brett.norris@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Katherine L. Parker
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Rebecca Grace Church
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Jessica Rogers
in her capacity as FOIA Public Liaison of Indian Affairs
 TERMINATED: 11/22/2017

represented by **Katherine L. Parker**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Ryan Zinke
in his capacity as Secretary of the United States Department of the Interior
 TERMINATED: 11/22/2017

represented by **Katherine L. Parker**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/10/2017	<u>1</u>	COMPLAINT against Jessica Rogers, United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor, Ryan Zinke, IFP Filed, filed by Emilio Reyes. (Attachments: # <u>1</u> Civil Case Cover Sheet, # <u>2</u> Exhibit 1) The new case number is 3:17-cv-1612-BTM-BLM. Judge Barry Ted Moskowitz and Magistrate Judge Barbara Lynn Major are assigned to the case. (Emilio Reyes)(pjm) (jao). (Entered: 08/10/2017)
08/10/2017	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Emilio Reyes. (pjm) (jao). (Entered: 08/10/2017)
08/16/2017	<u>3</u>	ORDER OF TRANSFER PURSUANT TO LOW NUMBER RULE. Case reassigned to District Judge Anthony J. Battaglia and Magistrate Judge Nita L. Stormes for all further proceedings. District Judge Barry Ted Moskowitz and Magistrate Judge Barbara Lynn Major no longer assigned to case. Create association to 3:17-cv-01417-AJB-NLS. The new case number is 17cv1612-AJB (NLS). Signed by Judge Barry Ted Moskowitz on 8/15/2017. Signed by Judge Anthony J. Battaglia on 8/11/2017. Motions set before Nita L. Stormes. (All non-registered users served via U.S. Mail Service)(mxn) (Entered: 08/17/2017)
09/18/2017	<u>4</u>	ORDER Granting <u>2</u> Plaintiff's Motion for Leave to Proceed in forma pauperis. US Marshal shall effect service of complaint. The Court directs the Clerk of Court to issue a summons as to complaint. Signed by Judge Anthony J. Battaglia on 09/18/2017. (All non-registered users served via U.S. Mail Service) (Certified Copy to USM) (ajs) (Entered: 09/18/2017)

09/18/2017	<u>5</u>	Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. Summons will be mailed to plaintiffs not receiving notice electronically. (Attachments: # <u>1</u> IFP Letter)[IFP Packet Mailed](ajs) (Entered: 09/18/2017)
09/19/2017	<u>6</u>	Amended Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. Summons will be mailed to plaintiffs not receiving notice electronically. (Attachments: # <u>1</u> Amended IFP Letter)[Amended IFP Packet Mailed](ajs) (Entered: 09/19/2017)
10/18/2017	<u>7</u>	SUMMONS Returned Executed by Emilio Reyes. United States Department of the Interior, Bureau of Indian Affairs and United States Department of the Interior, Office of the Solicitor served. (mxn) (Entered: 10/18/2017)
10/19/2017	<u>8</u>	SUMMONS Returned Executed by Emilio Reyes. United States Department of the Interior, Bureau of Indian Affairs served. (jah) (Entered: 10/19/2017)
10/19/2017	<u>9</u>	SUMMONS Returned Executed by Emilio Reyes. Jessica Rogers served. (jah) (Entered: 10/19/2017)
10/19/2017	<u>10</u>	SUMMONS Returned Executed by Emilio Reyes. Ryan Zinke served. (jah) (Entered: 10/19/2017)
10/23/2017	<u>11</u>	SUMMONS Returned Executed by Emilio Reyes. United States Department of the Interior, Office of the Solicitor – Department of Justice served. (lrf) (Entered: 10/24/2017)
11/21/2017	<u>12</u>	MOTION to Dismiss Party (<i>Unopposed</i>) by Jessica Rogers, United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor, Ryan Zinke. (Attachments: # <u>1</u> Proof of Service)(Parker, Katherine)Attorney Katherine Lind Parker added to party Jessica Rogers(pty:dft), Attorney Katherine Lind Parker added to party United States Department of the Interior, Bureau of Indian Affairs (pty:dft), Attorney Katherine Lind Parker added to party United States Department of the Interior, Office of the Solicitor(pty:dft), Attorney Katherine Lind Parker added to party Ryan Zinke(pty:dft)(acc). (Entered: 11/21/2017)
11/22/2017	<u>13</u>	ORDER granting <u>12</u> Unopposed Motion to Dismiss Individual Defendants. Jessica Rogers (in her capacity as FOIA Public Liaison of Indian Affairs) and Ryan Zinke (in his capacity as Secretary of the United States Department of the Interior) terminated. Signed by Judge Anthony J. Battaglia on 11/22/2017. (All non-registered users served via U.S. Mail Service)(acc) (Entered: 11/22/2017)
11/29/2017	<u>14</u>	ANSWER to <u>1</u> Complaint, by United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca)Attorney Rebecca Grace Church added to party United States Department of the Interior, Bureau of Indian Affairs (pty:dft), Attorney Rebecca Grace Church added to party United States Department of the Interior, Office of the Solicitor(pty:dft)(acc). (Entered: 11/29/2017)
12/01/2017	<u>15</u>	ORDER OF TRANSFER PURSUANT TO LOW NUMBER RULE. Case reassigned to Judge John A. Houston and Magistrate Judge Ruben B. Brooks for all further proceedings. Judge Anthony J. Battaglia, Magistrate Judge Nita L. Stormes no longer assigned to case. Create association to 3:17-cv-01417-JAH-RBB. The new case number is 17cv1612-JAH-RBB. Signed by Judge Anthony J. Battaglia on 12/1/2017. Signed by Judge John Houston on 11/28/2017.(All non-registered users served via U.S. Mail Service)(acc) (Entered: 12/04/2017)
12/06/2017	<u>16</u>	NOTICE AND ORDER Setting Early Neutral Evaluation Conference. An Early Neutral Evaluation is set for 2/7/2018 at 1:30 PM in Courtroom 2C before Magistrate Judge Ruben B. Brooks. Signed by Magistrate Judge Ruben B. Brooks on 12/6/2017.(All non-registered users served via U.S. Mail Service)(rmc) (Entered: 12/06/2017)
02/08/2018	<u>17</u>	Minute Order for proceedings held before Magistrate Judge Ruben B. Brooks. Early Neutral Evaluation Conference held on 2/8/2018. Settlement Conference set for

		5/16/2018 at 1:30pm. Signed by Magistrate Judge Ruben B. Brooks on 2/08/2018. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 02/08/2018)
02/08/2018	<u>18</u>	SCHEDULING ORDER regulating discovery and other pre-trial proceedings. Settlement Conference set for 5/16/2018 01:30 PM in Courtroom 2C before Magistrate Judge Ruben B. Brooks. Proposed Pretrial Order due by 6/17/2019. Final Pretrial Conference set for 6/24/2019 02:30 PM in Courtroom 13B before Judge John A. Houston. Signed by Magistrate Judge Ruben B. Brooks on 2/08/2018.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 02/08/2018)
03/22/2018	<u>19</u>	MINUTE ORDER – Due to a conflict on the Courts calendar, the Court resets the settlement conference currently scheduled for May 16, 2018, at 1:30 p.m. to June 27, 2018, at 1:30 p.m. The parties shall submit a joint settlement status report directly to chambers by June 20, 2018. Signed by Magistrate Judge Ruben B. Brooks on 3/22/2018.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 03/22/2018)
06/20/2018	<u>20</u>	MINUTE ORDER – Due to a conflict on the Courts calendar, the settlement conference scheduled for June 27, 2018, at 1:30 p.m. is reset to July 10, 2018, at 10:00am. All other guidelines and requirements remain in effect.Signed by Magistrate Judge Ruben B. Brooks on 6/20/2018.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 06/20/2018)
07/10/2018	<u>21</u>	MINUTE ORDER: A settlement conference was held. A settlement conference is set for 1/15/2019 at 2:00 p.m. before Magistrate Judge Ruben B. Brooks. The parties shall submit a joint settlement status report by 1/8/2019. Signed by Magistrate Judge Ruben B. Brooks on 7/10/2018.(All non-registered users served via U.S. Mail Service)(mpl) (Entered: 07/11/2018)
01/03/2019	<u>22</u>	Ex Parte MOTION to Stay <i>During Lapse in Federal Appropriations</i> by United States Department of the Interior, Office of the Solicitor. (Attachments: # <u>1</u> Proof of Service)(Norris, Brett)Attorney Brett Norris added to party United States Department of the Interior, Office of the Solicitor(pty:dft) (dlg). (Entered: 01/03/2019)
01/04/2019	<u>23</u>	ORDER granting <u>22</u> Motion to Stay During Lapse in Federal Appropriations. Signed by Judge John A. Houston on 1/4/19. (All non-registered users served via U.S. Mail Service)(dlg) (Entered: 01/04/2019)
01/08/2019	<u>24</u>	MINUTE ORDER – In light of the stay in effect in these matters due to the lapse in federal appropriations, the Court continues the settlement conference set for January 15, 2018 to February 26, 2019, at 2:00 p.m. The parties shall submit a joint settlement status report by February 19, 2019. As the date of the settlement conference approaches, the Court will reevaluate whether a further continuance is required if Congress has not yet appropriated funds by that time.Signed by Magistrate Judge Ruben B. Brooks on 1/08/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 01/08/2019)
02/01/2019	<u>25</u>	Joint MOTION to Amend/Correct <u>24</u> Order,,, Set Hearings,,, Terminate Hearings,, <u>18</u> Scheduling Order, <i>Regarding Lift of Stay</i> by United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 02/01/2019)
02/05/2019	<u>26</u>	MINUTE ORDER – The joint motion is GRANTED. The settlement conference set for February 26, 2019 is continued to March 19, 2019, at 2:00 p.m. The parties shall submit a joint settlement status report by March 12, 2019. Additionally, the pretrial conference set for June 24, 2019, at 2:30 p.m. before the Honorable John A. Houston is vacated. The pretrial conference will be reset after the resolution of pretrial motions. Signed by Magistrate Judge Ruben B. Brooks on 2/05/2019. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 02/05/2019)
02/06/2019	<u>27</u>	MINUTE ORDER – The parties joint request to continue the deadline to file pretrial motions, set forth in their joint motionregarding lift of stay and request to amend the scheduling order [ECF No. 48], is GRANTED. The deadline tofile pretrial motions is continued from February 25, 2019, to April 23, 2019.. Signed by Magistrate Judge Ruben B. Brooks on 2/06/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 02/06/2019)

03/20/2019	<u>28</u>	Minute Order for proceedings held before Magistrate Judge Ruben B. Brooks: Settlement Conference held on 3/20/2019. Settlement Conference set for 7/9/2019 at 2:00pm. Signed by Magistrate Judge Ruben B. Brooks on 3/20/2019. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 03/20/2019)
04/23/2019	<u>29</u>	MOTION for Summary Judgment on <i>FOIA Complaint</i> by United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Declaration Howard, # <u>3</u> Declaration Long, # <u>4</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 04/23/2019)
05/13/2019	<u>30</u>	Notice of Document Discrepancies and Order Thereon by Judge John A. Houston Accepting Document: Ex Parte Application for Order Permitting Plaintiffs Late Filing on Response to Defendants Notice of Motion and Motion and Motion for Summary Judgment on FOIA Complaint, from Plaintiff Emilio Reyes. Non-compliance with local rule(s), Civ. L. Rule 7.1: Lacking memorandum of points and authorities in support as a separate document. Nunc Pro Tunc 5/13/2019. Signed by Judge John A. Houston on 5/13/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 05/13/2019)
05/13/2019	<u>31</u>	Ex Parte Application for Order Permitting Plaintiffs Late Filing on Response to Defendants Notice of Motion and Motion and Motion for Summary Judgment on FOIA Complaint, by Emilio Reyes. NUNC PRO TUNC 5/13/2019 (jpp) (Entered: 05/13/2019)
05/23/2019	<u>32</u>	Memorandum in Opposition re <u>29</u> MOTION for Summary Judgment and in support of Plaintiff's Motion for Summary Judgment, Opposition to Declaration of Harley Long, filed by Emilio Reyes. (jpp) (Entered: 05/24/2019)
05/31/2019	<u>33</u>	MOTION for Extension of Time to File Response/Reply as to <u>29</u> MOTION for Summary Judgment on <i>FOIA Complaint</i> by United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 05/31/2019)
06/03/2019	<u>34</u>	ORDER granting ex parte application for a two week extension of time to file Defendants' reply in support of motion for summary judgment on FOIA Complaint. Defendants shall file any reply no later than 6/17/2019. The hearing on the motion is continued to 7/01/2019 at 2:30pm. Signed by Judge John A. Houston on 6/03/2019. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 06/03/2019)
06/17/2019	<u>35</u>	REPLY to Response to Motion re <u>29</u> MOTION for Summary Judgment on <i>FOIA Complaint</i> filed by United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca)(jpp). (Entered: 06/17/2019)
06/26/2019	<u>36</u>	ORDER vacating hearing on <u>29</u> Motion for Summary Judgment and taking the motion under submission. Signed by Judge John A. Houston on 6/25/2019.(jpp) (Entered: 06/26/2019)
07/10/2019	<u>37</u>	Minute Order: The settlement conference scheduled for July 9, 2019 is reset for August 20, 2019, at 2:00 p.m. before Magistrate Judge Ruben B. Brooks. Signed by Magistrate Judge Ruben B. Brooks on 7/10/2019. (All non-registered users served via U.S. Mail Service) (tcf) (jao). (Entered: 07/10/2019)
08/20/2019	<u>38</u>	Minute Order. A settlement conference was held. A telephonic settlement conference is set for November 26, 2019, at 8:30 a.m. Counsel for Defendant is to initiate the call. Signed by Magistrate Judge Ruben B. Brooks on 8/20/2019. (Plaintiff Attorney Emilio Reyes). (Defendant Attorney Rebecca G. Church). (All non-registered users served via U.S. Mail Service) (tcf) (Entered: 08/21/2019)
11/26/2019	<u>39</u>	Minute Order for proceedings held before Magistrate Judge Ruben B. Brooks: A telephonic attorneys-only settlement conference was held. A telephonic attorneys-only settlement conference is set for February 25, 2020, at 8:30 a.m. Counsel for Defendant is to initiate the call. (Plaintiff Attorney Emilio Reyes). (Defendant Attorney Rebecca G. Church). (All non-registered users served via U.S. Mail Service) (tcf) (Entered: 11/26/2019)